

Part 1 General Provisions

63G-10-101 Title.

This chapter is known as the "State Settlement Agreements Act."

Enacted by Chapter 382, 2008 General Session

63G-10-102 Definitions.

As used in this chapter:

- (1)
 - (a) "Action settlement agreement" includes a stipulation, consent decree, settlement agreement, or any other legally binding document or representation that resolves a threatened or pending lawsuit between the state and another party by requiring the state to take legally binding action.
 - (b) "Action settlement agreement" includes stipulations, consent decrees, settlement agreements, and other legally binding documents or representations resolving a dispute between the state and another party when the state is required to pay money and required to take legally binding action.
 - (c) "Action settlement agreement" does not include:
 - (i) the internal process established by the Department of Transportation to resolve construction contract claims;
 - (ii) any resolution of an employment dispute or claim made by an employee of the state of Utah against the state as employer;
 - (iii) adjudicative orders issued by the State Tax Commission, the Public Service Commission, the Labor Commission, or the Department of Workforce Services; or
 - (iv) the settlement of disputes arising from audits, defaults, or breaches of permits, contracts of sale, easements, or leases by the School and Institutional Trust Lands Administration.
- (2)
 - (a) "Agency" means each department, commission, board, council, agency, institution, officer, corporation, fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or other administrative unit of the state.
 - (b) "Agency" includes the legislative branch, the judicial branch, the attorney general's office, the State Board of Education, the Board of Regents, the institutional councils of each higher education institution, and each higher education institution.
- (3)
 - (a) "Financial settlement agreement" includes a stipulation, consent decree, settlement agreement, and any other legally binding document or representation that resolves a dispute between the state and another party exclusively by requiring the payment of money from one party to the other.
 - (b) "Financial settlement agreement" does not include:
 - (i) agreements made under the internal process established by the Department of Transportation to resolve construction contract claims;
 - (ii) adjudicative orders issued by the State Tax Commission, Public Service Commission, Labor Commission, or the Department of Workforce Services;
 - (iii) the settlement of disputes arising from audits, defaults, or breaches of permits, contracts of sale, easements, or leases by the School and Institutional Trust Lands Administration; or

- (iv) agreements made under the internal processes established by the Division of Facilities Construction and Management or by law to resolve construction contract claims made against the state by contractors or subcontractors.
- (4) "Government entities" means the state and its political subdivisions.

Amended by Chapter 144, 2016 General Session

63G-10-103 Notice of voidableness of settlement agreements.

Each financial settlement agreement that might cost government entities more than \$100,000 that is executed by an agency in violation of this chapter, and each action settlement agreement that is executed by an agency in violation of this chapter, is voidable by the governor or the Legislature as provided in this chapter.

Renumbered and Amended by Chapter 382, 2008 General Session